IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

Chamber Summons No. 700 of 2005
in
Summary suit No.2847 of 1997

Sulochana Dhanraj Shah ..Plaintiff

vs.

1. Omnarayan Raghunath Prasad
and ors. ..Defendants

Shri S.A.Chaturvedi for defendants.

CORAM: A.M.KHANWILKAR J.
23rd August, 2005.

P.C.

. Affidavit of service is filed mentioning that attempts to serve the plaintiffs personally did not fructify as the packet has been returned with the endorsement "not known". It is further stated that independently service was sought to be effected on the Advocate on record for the plaintiffs. However, Advocate has refused to accept the service of the present chamber summons on the ground that the plaintiffs are not in touch with the Advocate on record. As per Rule 51 of the High Court Rules, so long as vakalatnama and appearance of the Advocate for the party remains and he is not discharged, the Advocate is liable to represent and espouse the cause of such party. Refusal of service of the present chamber summons by the

Advocate on record for the plaintiff will have to be assumed as refusal by the agent of the plaintiff and being refusal, will have to be treated as good service.

. As no reply has been filed opposing this chamber summons and no appearance is made even at the hearing of the chamber summons, the assertion made in the affidavit in support of the chamber summons have gone uncontroverted. For the reasons mentioned in the affidavit of service, the chamber summons must succeed in terms of prayer clause (a) though the delay is around 5 years in filing of the written statement. Accordingly, chamber summons is made absolute in terms of prayer clause (a). Written statement to be filed within two weeks from today.